

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	)	
	)	2:10-cr-00462-LRH-PAL
Plaintiff,	)	
	)	<u>ORDER</u>
vs.	)	
	)	
NELSON VASQUEZ,	)	
	)	
Defendant.	)	
_____	)	

Before the court is the Government's Motion to Reconsider this Court's Denial of the Mandatory Restitution Order of \$525,326.50 as to Defendant Nelson Vasquez (#46). The Government's motion has been brought pursuant to Fed. R. Crim. P. 35(a) to correct a sentence that allegedly resulted from clear error. The motion is well merited. The fact is the court always intended that restitution be ordered in the amount of five hundred twenty-five thousand three hundred twenty-six dollars and fifty cents (\$525,326.50) because that was the amount which represented the proceeds of the Defendant's criminal conduct. However, it was never the intention of the court that the Defendant be responsible for both full restitution plus forfeiture in a like amount - \$525,326.50.

Whether the amount be labeled as forfeiture or restitution, the court's view was that the sentence imposed plus court imposed financial responsibility in the amount of the proceeds of the Defendant's criminal conduct was the appropriate sentence to be imposed in this case. Upon receiving the United States' motion to amend judgment (#43), the court was agreeable to casting that monetary amount in terms of forfeiture rather than restitution and erroneously issued order

1 #45 granting the Government's motion. It now appears that the clear mistake by the court was in  
2 issuing order #45, which was intended to substitute forfeiture for restitution.

3 Good cause appearing, IT IS HEREBY ORDERED that the court's minute order of June  
4 27, 2012 granting the Government's motion to amend judgment #43 (#45) is VACATED.

5 IT IS FURTHER ORDERED that the original judgment (#38) is REINSTATED. It was  
6 and remains the court's intention that the Defendant be financially responsible for restitution to  
7 the Social Security Administration in the amount of \$525,326.50. However the judgment shall be  
8 AMENDED to show that the payee for the payment of restitution shall be:

9 Social Security Administration  
10 ATTN: Court Refunds  
11 P.O. Box 2861  
Philadelphia PA 19122.

12 IT IS SO ORDERED.

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14 DATED this 11th day of July, 2012.



15  
16 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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